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Attorneys for Cross-Appellants,
Laurence Jennings and Raj Patel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

In Re:

Sarah-Jane Parker,

Debtor.

Bayside Court Owners Association,

Appellants,

and

Laurence Jennings; Raj Patel,

Cross-Appellants,

v.

Sarah-Jane Parker,

Appellee.

Case No.: 4:19-cv-02588-YGR

Bankruptcy Case No. 14-bk-44083-CN

Chapter 13

Hon. Yvonne Gonzalez Rogers

**CROSS-APPELLANTS' STATEMENT
OF ISSUES ON APPEAL AND
DESIGNATION OF RECORD**

Ninth Circuit Case No. 21-15746

1 Cross-Appellants Laurence Jennings and Raj Patel hereby submit the following
2 Statement of Issues Presented and designate the following for inclusion in the record on
3 appeal:

4 STATEMENT OF ISSUES PRESENTED

5 1. Whether the District Court erred when it found (and affirmed the
6 Bankruptcy Court's finding) that Cross-Appellants Jennings and Patel violated 11
7 U.S.C. § 362(a)(6) by signing the lease of Debtor's condominium unit despite BCOA
8 obtaining relief from stay by Order entered on April 1, 2015 to exercise any and all
9 rights under the CC&Rs.

10 2. Whether the District Court erred when it found (and affirmed the
11 Bankruptcy Court's finding) that Cross-Appellants Jennings and Patel were personally
12 liable to the Debtor for damages for executing the lease of the Debtor's condominium
13 unit when Jennings and Patel were acting in their roles as directors of a non-profit
14 mutual benefit corporation.

15 3. Whether the District Court erred when it found that Cross-Appellants
16 Jennings and Patel were not protected by the immunity provided by California
17 Corporations Code section 7231.5.

18
19 DESIGNATION OF THE RECORD

- 20 1. Motion for Sanctions for Violation of the Automatic Stay, filed November
21 3, 2015.
- 22 2. Memorandum of Points and Authorities in Support of Motion for
23 Sanctions, filed November 3, 2015.
- 24 3. Exhibits AA through RR, November 3, 2015.
- 25 4. Notice of Hearing, November 3, 2015.
- 26 5. Declaration of Sarah-jane Parker, filed November 3, 2015.
- 27 6. Response to Motion for Sanctions for Stay Violation and Contempt, filed
28

- 1 by Respondents, January 4, 2016.
- 2 7. Motion for Order to Show Cause, filed December 15, 2016.
- 3 8. Notice of Hearing, filed December 15, 2016. Exhibit SS to XX, filed
- 4 December 15, 2016.
- 5 10. Order Consolidating and Continuing Contempt Hearings, February 22,
- 6 2017.
- 7 11. Memorandum Decision Granting Summary Judgment in Part and Denying
- 8 Summary Judgment in part, August 24, 2017.
- 9 12. Order Granting Summary Judgment in Part and Denying Summary
- 10 Judgment in Part, October 4, 2017.
- 11 13. Order Setting Pretrial Conference, October 6, 2017
- 12 14. Joint Pretrial Order, filed February 28, 2018, and Exhibits (Respondents
- 13 Exhibit and Witness List, Parker Witness List and Exhibit List).
- 14 15. Debtor Sarah- Jane Parker's List of Disputed Facts for Trial, filed
- 15 March 14, 2018.
- 16 16. First Amended Pre-Trial Statement of Disputed Facts filed by Parker on
- 17 April 11, 2018.
- 18 17. Debtor's Motions in Limine to Exclude or otherwise Limit Testimony from
- 19 Marc Fong and Marlene Fong and supporting declarations and exhibits,
- 20 Respondents' Opposition, and Debtor's Reply.
- 21 18. Transcript of Proceedings, April 30, 2018 (hearings on Debtor's Motions in
- 22 Limine).
- 23 19. Final Joint Pretrial Order and Exhibits (Debtor's Witness List, Respondent's
- 24 Witness List, Debtor's Exhibit List, Respondent's Exhibit List), May 7,
- 25 2018
- 26 20. Stipulation filed May 22, 2018.
- 27 21. Respondents' Trial Brief, filed May 22, 2018.
- 28

22. Debtor's Trial Exhibits, A, B, C, D, E, F, G, H, I, J, K, O, T, V, W, X, Y, Z, AA, AM, AU, AV (identical to Ex. 37), AW, AZ, BJ, BK, BL, BM, BN, BT, BX, and BW, BZ
23. Respondents' Trial Exhibits #1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 28, 35, 36, 38, 40, 41 and 43, 44, 45, 46 47, 48, 49, 50.
24. Transcript of court proceedings, May 29, 30, July 31, August 7, August 21, 2018.
25. Debtor's Post Trial Brief, filed October 12, 2018.
26. Respondents' Closing Brief, filed October 12, 2018.
27. Memorandum Decision After Trial, January 29, 2019.
28. Application for Compensation, filed March 2, 2019.
29. Two separate Declarations of Marc Fong in Support of Application for Compensation, March 2, 2019.
30. Declaration of Marlene Fong in Support of Application for Compensation, and exhibits, Attorney Time Records, filed March 2, 2019.
31. Objection to Application for Compensation, filed March 18, 2019.
32. Reply to Objection, filed by Debtor March 25, 2019.
33. Two Separate Declarations of Marlene Fong in Support of Application for Compensation, filed March 25, 2019.
34. Declaration of Marc Fong, filed March 25, 2019.
35. Transcript of Proceedings, April 1, 2019.
36. Order Awarding Attorneys' Fees and Costs, April 11, 2019.
37. Judgment, entered April 11, 2019.
38. Certified copy of the docket entries in Case No. 14-44083.
39. Notice of Appeal, April 24, 2019.
40. Order Affirming in Part and Vacating and Remanding in Part Bankruptcy Court's Judgment, March 22, 2021 (District Court)

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3 Dated: May 19, 2021

LS CARLSON LAW, PC

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5 By: /s/ Paul H. Deese
6 PAUL H. DEESE
7 Attorneys for Cross-Appellants,
8 Laurence Jennings and
9 Raj Patel
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1 **CERTIFICATE OF SERVICE**

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3 I HEREBY CERTIFY that on May 19, 2021, a copy of the foregoing **CROSS-
4 APPELLANTS' STATEMENT OF ISSUES ON APPEAL AND DESIGNATION
5 OF RECORD** will be electronically filed the with the Clerk of Court using the
6 CM/ECF system, which will then send a notification of such filing (NEF) to the
7 following:

8 Marc Alan Fong , APC
9 mfong@fonglaw.com

10 Marlene Ann Fong
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20 And I hereby certify that I will mail the document by U.S. mail to the following non-
21 filing users:

22 Martha G. Bronitsky
23 P.O. Box 5004
24 Hayward, CA 94540-5004

25 U.S. Trustee Office of the U.S. Trustee /Oakland
26 Office of the United States Trustee
27 Phillip J. Burton Federal Building
28 450 Golden Gate Ave.
San Francisco, CA 94102

By: s/ Paul H. Deese

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